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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/662,522	09/16/2003	Anthony Dip	241482US6YA	1707
22850	7590	09/01/2006	EXAMINER	
C. IRVIN MCCLELLAND OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314			STOUFFER, KELLY M	
			ART UNIT	PAPER NUMBER
			1762	

DATE MAILED: 09/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/662,522	DIP ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Kelly Stouffer	1762

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 29 June 2006.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1,3-26,29-39,41-43,45-50,52,55,56,59-62,65 and 78-82 is/are pending in the application.
- 4a) Of the above claim(s) 14-19,39,41-43,45-50,55,56 and 65 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1,3-13,20-26,29-38,52,59-62, and 78-82 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 16 September 2003 and 09 February 2004 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>9 May 2006</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 29 June 2006 has been entered.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 81 and 82 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. In claims 81 and 82, the applicant requires substrates to be present on the middle surface to lower surface of a tier holder, and more specifically the bottom 50 spaces of the tier holder. While the applicant provides for a tier holder with a designated top, middle, and bottom, the original disclosure does not indicate only placing substrates on the middle or bottom or a reason why one skilled

in the art may do so, or does not include any information about the bottom 50 spaces of the tier holder or placing slides exclusively in the bottom 50 spaces.

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 78 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 78 recites the limitation "the cycle" in line 2 of the claim. It is unclear whether the applicant is referring to the deposition rate per step of the cycle or the deposition rate for the entire flowing process as it is referred to in claim 1. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1, 3-7, 11-13, 20-21, 23, 31-33 and 52 are rejected under 35 U.S.C.

103(a) as being unpatentable over US Patent publication 2003/0176060 to Doan et al. Doan et al. includes a method of forming HfO<sub>2</sub> on a semiconductor substrate (abstract lines 1-2) by ALD, flowing a pulse of Hf-containing precursor and water into the process chamber and repeating the process until a film with desired thickness is formed in paragraphs 0005 and 0042 et seq. This is performed in a reaction chamber 52 with a holder 80 that may be considered a tier substrate holder at least as broadly defined by the applicant, and the holder 80 holds substrates 82 that are less than 100 in number as shown in Figure 4. Purging the chamber in between pulses of the halfnium containing compound, or the first species, and the water, or the second species is described in paragraph 0021 lines 1-5. In paragraph 0058 et seq. the reaction chamber is held at a pressure of about 1 torr for the coating process. Doan et al. does not include a substrate temperature of 180 °C or purging conditions such as flow rate and purge time. Doan et al. teaches in paragraph 0024 et seq. that the temperature of ALD, pressure in the chamber and purging conditions vary with conditions of ALD such as particular precursors used, layer composition, deposition equipment and other factors. The variables of substrate temperature, pressure in the chamber, purging flow rate, and purge time therefore depend upon the conditions and apparatus employed in carrying out the invention. (see also paragraph 0022 et seq.) Their importance lies in impacting monolayer formation and the quality desired in the ALD layer. These variables are modified by routine experimentation, are result-effective, and thus are not inventive.

It would have been obvious to one of ordinary skill in the art at the time of invention to modify Doan et al. by routine experimentation to include a substrate temperature of 180 °C, a purge gas flow rate of 100-10,000 sccm, and a purge gas flow time of 1-500 sec in order to form a film by ALD of a desired quality and monolayer formation absent evidence showing a criticality for the claimed ranges.

Claims 8 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Doan et al. in view of US Patent publication 2001/0054769 to Raaijmakers et al. Doan et al. is described above and includes flowing two reactive gases to form a film on a substrate by ALD. Doan et al. does not include flowing a carrier gas with the reactive gases. Raaijmakers et al. teaches using a carrier gas with the precursor and reactant gas in an ALD process in order to aid in the transportation of the precursor and reactant gases into the chamber (paragraphs 0079-0103 et seq.).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify Doan et al. to include a carrier gas with the precursor and reactant gas as taught by Raaijmakers et al. in order to aid in the transportation of the precursor and reactant gases into the chamber.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Doan et al. in view of Raaijmakers et al. as applied to claim 8 above, and further in view of US Patent publication 2003/0031793 to Chang et al. Doan et al. and Raaijmakers et al. include coating a substrate with pulses during an ALD process. Doan et al. and Raaijmakers et al. do not include a flow rate for the metal precursor or reactant gas. Chang et al. in paragraph 0041 teaches that parameters such as gas flow rate are

influenced by the desired qualities in the deposited coating and hence the nature of the reactants. This variable is important to achieve a film with desired qualities. This variable is result effective and can be modified by routine experimentation and therefore is not inventive.

It would have been obvious to one of ordinary skill in the art at the time of invention to modify Doan et al. and Raaijmakers et al. by routine experimentation to include gas flow rates in the range of 100-10,000 sccm in order to form a film by ALD of a desired quality and monolayer formation absent evidence showing a criticality for the claimed ranges.

Claims 22, 34-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Doan et al. in view of US Patent number 6607973 to Jeon. Doan et al. is described above and includes an HfO<sub>2</sub> film deposited on a substrate by ALD. Doan et al. does not include an interfacial layer between the substrate and the HfO<sub>2</sub> film. Jeon teaches that surface preparation in the way of an interfacial layer shown in Figures 1-3 leaves a substrate terminated with hydroxyl groups in column 3 lines 23-29. One of ordinary skill in the art would recognize that having a surface terminated with hydroxyl groups would make the surface more reactive towards the Hf precursor gas.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Doan et al. to include an interfacial layer between the HfO<sub>2</sub> and the substrate as taught by Jeon in order to have a surface terminated with hydroxyl groups therefore having a surface more reactive towards the Hf precursor gas.

With regard to claims 34-36, Jeon discloses the thickness of the metal compound layer to be less than or equal to 50 Å.

With regard to claim 37, Jeon anneals the HfO<sub>2</sub> containing film to 300-900 °C in column 4 lines 55-60.

With regard to claim 38, Jeon deposits a film containing Si on top of the HfO<sub>2</sub> layer in Figures 5-7 that may be considered an electrode film.

Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Doan et al. in view of US patent number 6572705 to Suntola et al. Doan et al. includes the limitations to claim 24 as described above except for providing a substrate with a diameter greater than 195 mm. Suntola et al. teaches that ALD successfully deposits films on large substrates (e.g. 300 mm in diameter) in column 11 line 20 to improve process throughput.

It would have been obvious to one of ordinary skill in the art at the time of invention to modify Doan et al. to include a substrate with a diameter greater than 195 mm as taught by Suntola et al. to improve process throughput.

Claims 25-26, 52, and 79-80 are rejected under 35 U.S.C. 103(a) as being unpatentable over Doan et al. in view of US Patent number 6818517 to Maes. Doan et al. is described above and includes an HfO<sub>2</sub> film deposited on a substrate by ALD. Doan et al. does not include specific lengths of time for the pulses of Hf containing precursor gas or the water vapor. Maes teaches that the Hf precursor gas is pulsed with 1.5 s and the water vapor is pulsed for 3.0 s in order to saturate the surface of the substrate in columns 4 and 5 lines 62-67 and 1-5, respectively.

It would have been obvious to one of ordinary skill in the art at the time of invention to modify Doan et al. to include a the length of time to pulse the Hf precursor or the water within the range of 1-500 s as taught by Maes in order to saturate the surface of the substrate.

With regard to claim 52, Maes teaches heating the substrate under isothermal conditions in the abstract, lines 10-12.

With regard to claims 79-80, Doan et al. includes all of the provisions of claims 79 and 80 including the substrate temperature and pressure in the chamber that are result effective variables as determined above. Maes teaches an ALD sequence with Hf precursor, purging, and water vapor pulses that in total takes less than 30 seconds in columns 4 and 5 lines 62-67 and 1-5, respectively. Neither reference teaches the repetition of the sequence for less than 20 times. However, both Doan et al. and Maes teach that the ALD process should be repeated only until the layer achieves desired thickness (paragraph 0005 et seq. and column 4 lines 41-53, respectively) The variable of number of times the sequence is repeated depends therefore on the method employed and is important insofar as to determine desired thickness of the finished film. This variable is therefore result-effective and can be adjusted by routine experimentation, making it a non-inventive step.

It would have been obvious to one of ordinary skill in the art at the time of invention to modify Doan et al. and Maes to include repeating the ALD sequence less than 20 times, the exact number by routine experimentation, in order to achieve a film of desired thickness absent any evidence for the required limit of 20 deposition cycles.

Claims 29 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Doan et al. in view of Maes as above, and further in view of Chang et al. The variables of gas flow rates are found to be result-effective as discussed above with regard to claim 9. It would have been obvious to one of ordinary skill in the art at the time of invention to modify Doan et al. and Maes by routine experimentation to include gas flow rates in the range of 0.5-1 ccm or 100-2000 sccm in order to form a film by ALD of a desired quality and monolayer formation absent evidence showing a criticality for the claimed ranges.

Claims 59-60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Doan et al. in view of US patent publication 2002/0182320 to Leskela et al. Doan et al. is described above and includes an Hf containing precursor for a hafnium oxide film. Doan et al. does not include this film to be a hafnium alkyamide,  $\text{Hf}(\text{NEt}_2)_4$  or  $\text{Hf}(\text{NEtMe})_4$ . Leskela et al. teaches that the claimed precursors can be used to form an effective metal film by ALD in paragraphs 0092-0102 et seq.

It would have been obvious to one of ordinary skill in the art at the time of invention to modify Doan et al. to include the claimed precursors as taught by Leskela et al. in order to produce the hafnium film by ALD with reasonable expectation of success and similar results.

Claims 61-62 are rejected under 35 U.S.C. 103(a) as being unpatentable over Doan et al. in view of Jeon as applied above and in further view of US Patent publication 2003/0049372 to Cook et al. Doan et al. and Jeon cover all the limitations of claims 61 and 62 except for a specific WIW uniformity. Cook et al. teaches that

optimizing an ALD process by routine experimentation results in excellent WIW uniformity (see entire document) to ensure a high quality product.

It would have been obvious to one of ordinary skill in the art at the time of invention to modify Doan et al. and Jeon by routine experimentation to optimize WIW uniformity in the ranges from 10-15% in order to ensure a high quality product, absent evidence showing a criticality for the claimed ranges.

Claim 78 rejected under 35 U.S.C. 103(a) as being unpatentable over Doan et al. in view of US Patent number 6946336 to Pange et al. Doan et al. is describe above and includes all the provisions of claim 78 expect for specifying a rate of deposition of 1 A per cycle. Pange et al. teaches an ALD technique for depositing metal oxide films with a deposition rate as low as 1 A per cycle to allow for a high degree of precision in layer growth (column 8 lines 8-37).

It would have been obvious to one of ordinary skill in the art at the time of invention to modify Doan et al. to include the deposition rate as 1 A per cycle as taught by Pange et al. in order to allow for a high degree of precision in layer growth.

***Information Disclosure Statement***

The information disclosure statement filed 9 May 2006 fails to comply with 37 CFR 1.98(a)(1), which requires the following: (1) a list of all patents, publications, applications, or other information submitted for consideration by the Office; (2) U.S. patents and U.S. patent application publications listed in a section separately from citations of other documents; (3) the application number of the application in which the information disclosure statement is being submitted on each page of the list; (4) a

column that provides a blank space next to each document to be considered, for the examiner's initials; and (5) a heading that clearly indicates that the list is an information disclosure statement. The information disclosure statement has been placed in the application file, but the information referred to therein has not been considered.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kelly Stouffer whose telephone number is (571) 272-2668. The examiner can normally be reached on Monday - Thursday 7:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy Meeks can be reached on (571) 272-1423. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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